

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OFFICE OF THE CHIEF ADMINISTRATIVE HEARING OFFICER

November 24, 1997

UNITED STATES OF AMERICA,)	
Complainant)	
)	8 U.S.C. 1324a Proceeding
vs.)	
)	OCAHO Case No. 95A00137
MARIA RUEDA)	
D/B/A TAMPICO BAR & GRILL)	
Respondent)	

ORDER OF DISMISSAL-SETTLED

On October 2, 1995, complainant, acting by and through the Immigration and Naturalization Service (INS), commenced this action, which arises under the Immigration and Nationality Act, as amended, 8 U.S.C. § 1324a, by having filed a four (4)-Count Complaint with the Office of the Chief Administrative Hearing Officer (OCAHO), alleging seven (7) paperwork violations, for which civil money penalties totalling \$1,760 were sought.

On November 10, 1997, complainant filed a Motion to Dismiss, together with a fully executed six (6) page Settlement Agreement, in which it advised that the parties had reached a compromise settlement of all matters in controversy.

The provisions of the pertinent procedural rule, 28 C.F.R. § 68.14(a)(2), provide for the dismissal of actions of this type provided that the parties have entered into a proposed settlement agreement, have notified the Administrative Law Judge, and have received the latter's approval of the proposed Settlement Agreement.

Approval of this Settlement Agreement is hereby granted since the timeliness, form and substance of that document are found to be in order.

Accordingly, it is found that:

1. Respondent admits the allegations set forth in the Complaint;
2. Respondent has withdrawn its request for hearing on the merits;
3. Each party shall bear its own costs and attorney's fees; and
4. Respondent will pay a civil money penalty in the total amount of \$1000 in the manner set forth in the Settlement Agreement.

In view of the foregoing, the parties' Joint Motion to Dismiss is granted and complainant's October 2, 1995 Complaint is hereby ordered to be and is dismissed with prejudice to refiling.

Joseph E. McGuire
Administrative Law Judge

CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of November, 1997, I have served copies of the foregoing Order of Dismissal-Settled to the following persons at the addresses shown, in the manner indicated:

Office of Chief Administrative Hearing Officer
Skyline Tower Building
5107 Leesburg Pike, Suite 2519
Falls Church, Virginia 22041
(original hand delivered)

Dea Carpenter, Esquire
Associate General Counsel
Immigration and Naturalization Service
425 "I" Street, N.W., Room 6100
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Thomas Murphy, Esquire
Immigration & Naturalization Service
1545 Hawkins Boulevard
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121 West Paisano
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Ray Velarde, Esquire
1216 Montana Avenue
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